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JUL 18 2005

**Formal Complaint to the Washington State Public Disclosure Commission
Relating to an Elected Official or Candidate for Public Office**

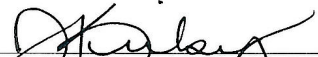
Name of Official or Candidate: TOM MIELKE FOR COUNTY COMMISSIONER

Address of Official or Candidate: 8608 NE MASON DR, SUITE 7

Official's or Candidate's VANCOUVER WA 98662
City State Zip Code

Official's or Candidate's Telephone: (360) 608-6201
(Include Area Code)

Official's or Candidate's E-Mail Address: tom@tommielke.com
(If known)

Your signature: 

Your printed name: JESSICA KIRBY

Street address: 555 W 8th Street #516

City, state and zip code: VANCOUVER, WA 98660

Telephone number: 360-699-8716

E-Mail Address: (Optional) jessicakirby1010@yahoo.com

Date Signed: JULY, 7, 2005

Place Signed (City and County): VANCOUVER CLARK
City County

Complaint: (Attach Complaint and Certification)

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Certification for a
Complaint to the Washington State Public Disclosure Commission Relating to an
Elected Official or Candidate for Public Office
(Notary Not Required)

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: 

Your printed name: JESSICA KIRBY

Street address: 555 W 8th STREET #516

City, state and zip code: VANCOUVER, WA 98660

Telephone number: 360-699-8716

E-Mail Address: (Optional) _____

Date Signed: 7/7/2005

Place Signed (City and County): VANCOUVER CLARK
City County

*RCW 9A.72.040 provides that: "(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law. (2) False swearing is a misdemeanor."

COMPLAINT ATTACHED

Complaint re: Tom Mielke, candidate for Clark County Commissioner, District 3 – GOP
Specific to: Campaign Literature in violation of Public Disclosure Commission Political Advertising Rules

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Explanation:

According to the March 2005 PDC brochure on Political Advertising, "The law forbids Public Disclosure Commission
falsely representing a candidate as the incumbent. (On letterhead, yardsigns and other forms of advertising, non-incumbents must actually state they're seeking the office: e.g. Mary Smith for State Senate or Elect Mary Smith State Senator)

I believe that a piece of campaign literature distributed to me by the Committee to Elect Tom Mielke on Monday, July 4th, 2005 in Ridgefield, Washington violates **RCW 42.17.530 1)(b)** "1) It is a violation of this chapter for a person to sponsor with actual malice: (b) Political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent"

Nowhere on the advertising does it state that Mr. Mielke is seeking the office, but merely reads "Tom Mielke – County Commissioner –GOP" each time the name and position is mentioned. Furthermore, there is a "Clark County Directory" of fifty governmental phone numbers printed on the back, which I don't believe would be a violation in itself, but when coupled with the absence of any language making clear that Mr. Mielke is seeking office, is clearly meant to give the false impression that Mr. Mielke is the incumbent.

I have attached a copy of the advertisement for your review. A quick perusal of the website listed on the advertisement also lacks any specific language explaining that Mr. Mielke is seeking the office. This further convinces me that there is a deliberate attempt to paint himself as the incumbent, when in fact, he is not. Mr. Mielke is a veteran politician who has had many years and many elections to learn the public disclosure rules, I find it hard to believe that this was an innocent mistake.

Sincerely,



Jessica Kirby